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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/467,152	12/20/1999	TADASHI TAKAHASHI	P18421	1984

7590 03/29/2004

GREENBLUM & BERNSTEIN PLC
1941 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER

SEFI, BEHROOZ M

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 03/29/2004

19

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/467,152

Applicant(s)

TAKAHASHI, TADASHI

Examiner

Behrooz Senfi

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-10,12-19,21-23 and 25-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed on Jan. 7, 2004 under 37 CFR 1.131 has been considered but is ineffective to overcome the Kimura (US 4,846,155) in view of Koike (US 4,044,546) reference. The examiner has previously considered the changes that have been made to newly amended claims 1, 19, 22, 29, 30 and 31; therefore the previous 103(a) rejection (paper no. 17, dated 10/7/2003) still applies.

Applicant canceled claims 2, 6 – 8, 11, 20 and 24, and added new claims 33 – 37. Claim 32 is not entered.

Response to remarks;

Applicant asserts (paper no. 18, page 15, lines 5 – 8) that “the applied references fail to teach or suggest displaying date in an order of at least one of year, month and day; month, day and year”.

Examiner respectfully disagrees; Kimura’155 reference (fig. 15) teaches displaying the date (which would include one of the order of year, month and day) along with object on the display, and also Sato ‘362 reference (fig. 3B) teaches the same.

Applicant statement (paper no. 18, page 16, lines 9 – 10) regarding supervisor (examiner) Kelley’s determination, during the interview, that color is a type of font is not correct. The way that the Applicant’s put the words together and use it as Kelley’s determination is just not correct. Supervisor Chris Kelley explains that using different color or font or character type is not patentable otherwise examiner has to issue patent for each font or color or character.

Applicant asserts (paper no. 18, page 18, lines 10 - 15) that the examiner has not set forth a proper motivation.

Examiner respectfully disagrees; the primary reference Kimura'155 (fig. 15) teaches the date along with object, however fails to teach displaying the date in a preferred way, and the secondary reference teaches the missing feature (preferred color or font or size), which makes it obvious to one ordinary skill in the art to combine the references for the user to quickly and readily recognize the date.

Applicant argument (paper no. 18, page 20, lines 115 - 19) with respect to storing the date along with the object as a single image is not persuasive. The Kimura and Sato references, both teach displaying date along with the object as a single image and the second supporting reference Salb teaches storage device for storing the image. Therefore taking the combination teaching of Kimura and Sato and Salb would cover the limitation storage device for storing the image along with the date as a single image.

Applicant asserts (paper no. 18, page 15, lines 7 – 8 and page 18, lines 4 – 5) that the references, fails to teach setting one of the year, month and day in different color or font (like italic or bold) or character types.

Sato reference teaches the date display processing for setting the date in a preferred font or size or color (page 12, lines 14 – 16) along with an object as discussed previously, also by looking at the old windows 3.1 (Sybex Inc, mastering windows 3.1, by Robert Cowart, pages 287 and 155) and the teaching of changing/setting the character individually to the preferred character or font and also changing or choosing the color, would make the claim limitation “setting one of the year, month and day in

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different color or font (like italic or bold) or character types" obvious to one having ordinary skill in the art.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3 – 5, 9 – 10, 12, 16 - 18, 24, 29 – 30, 33 and 35 - 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura (US 4,846,155) in view of Sato et al. (US 6,249,362).

Regarding claims 1, 3 – 5, 9 -10, 16, 18, and 29 - 30, Kimura '155 discloses data generating device, provided in an electronic endoscope (i.e. fig. 2, col. 1, lines 10+ of Kimura), device generating an image data corresponding to an object image and character information including a date when said object image is obtained (i.e. fig. 15 of Kimura), and date differentiating process that generates character information so that, when date is displayed on a screen of a display device along with object image, at least one of the year, month, and day is differentiated on screen (i.e. fig. 15 of Kimura), and storing (i.e. fig. 15 shows the recording state of Kimura) and displaying mode on screen (i.e. col. 9, lines 24+ of Kimura).

Kimura '155 fails to explicitly teach color code or character type different from the others.

However, the above mention claimed limitation is well-known in the art as evidenced by Sato '362, In particular, Sato '362 (i.e. fig. 3a – 3e, col. 12, lines 14 – 17) teaches image processing capable of displaying the date in preferred color, font, size along with object.

Taking the combined teaching of Kimura and Sato as a whole, it would have been obvious to modify the image processor to have the date associated with the object in preferred color, font, size along with object (i.e. fig. 3a - 3e, col. 12, lines 14 – 17).

Regarding claim 12, combination of Kimura '155 and Sato '362 teaches displaying an order of date (i.e. fig. 3a – 3e of Sato) and switchably changing the order of a date, which is commonly well known to a user at the particular location, is well-known.

Regarding claim 17, combination of Kimura '155 and Sato '362 teaches display processor comprises a character code output processor that outputs a character code corresponding to date (i.e. fig. 15, Date and Time of Kimura '155), and character signal output along with a video signal corresponding to said object image (i.e. fig. 15 Kimura '155).

Regarding claims 33, 35 and 36, the limitations claimed are substantially similar to claims 1, 29 and 30, therefore the grounds for rejecting claims 1, 29 and 30 also applies here.

4. Claims 13 – 15, 19, 21 – 23, 25 – 28, 31, 34 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura '155 in view of Sato '362 further in view of Salb (US 5,408,996).

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Regarding claims 13, 14, 19, 26 and 31, combination of Kimura '155 and Sato '362 teaches electronic endoscope (i.e. fig. 2 of Kimura '155), and displaying a year, month, and day of a date along with an object image on a screen (i.e. fig. 15 of Kimura '155), and different color or character type (i.e. fig. 3a – 3e, col. 12, lines 14 – 17 of Sato) and stores date along with said object image (i.e. fig. 15, recoding state of Kimura '155).

combination of Kimura '155 and Sato '362 fails to explicitly teach storing processor that stores date along with said object image in an image storage device as a single image.

However, the above mention claimed limitation is well known in the art as evidenced by Salb '996. In particular, Salb '996 (i.e. col. 6, lines 26+) teaches displaying dates and object image as a single image.

In view of the above, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modifying the combination system of Kimura and Sato as taught by Salb '996 for the benefit of one viewing the image can easily read all the information related to the object including the object.

Regarding claim 15, combination of Kimura '155 and Salb '996 and Sato '362 teaches electronic file storage (i.e. col. 6, lines 39+ of Salb '996).

Regarding claim 21, the limitations as claimed are substantially similar to claim 4, therefore the grounds for rejecting claim 4 also apply here.

Regarding claims 22 – 23 and 28, the limitations as claimed are substantially similar to claims 3 and 19, therefore the grounds for rejecting claims 3 and 19 also apply here.

Regarding claim 25, the limitations claimed are substantially similar to claim 12, therefore the grounds for rejecting claim 12 also apply here.

Regarding claim 27, the limitations claimed are substantially similar to claim 17, therefore the grounds for rejecting claim 17 also apply here.

Regarding claims 34 and 37, the limitations claimed are substantially similar to claims 19 and 31, therefore the grounds for rejecting claims 19 and 31 also apply here.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Behrooz Senfi** whose telephone number is **(703)305-0132**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Chris Kelley** can be reached on **(703)305-4856**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:


(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relative to the status of the application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

B. S. B. S.

3/21/2004


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600